

Filed in the Clerk's Office
the 29 day of August 2003
TESTED: LILLIE M. MARTIN, CLERK
By: [Signature] 4:00 p.m.
D.C.

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA,

v.

CASE NOS: CR03-3089, CR03-3090, CR03-3091
Hon. Jane Marum Roush

LEE BOYD MALVO,

Defendant

NOTICE

To: Robert F. Horan, Jr., Esquire
Commonwealth's Attorney
Raymond F. Morrogh, Esquire
Deputy Commonwealth's Attorney
4110 Chain Bridge Road
Room 123
Fairfax, VA 22030

PLEASE TAKE NOTICE that I shall appear, by counsel, on September 17, 2003 at 10:00 A.M. before the Hon. Jane Marum Roush, Judge of the Fairfax Circuit Court, to urge my Motion to Order Sound Enhancement of Untranscribed Portion of Audiotape of the Interrogation of the Defendant.

Respectfully submitted,

LEE BOYD MALVO

By _____
Co-Counsel

and

By _____
Co-Counsel

Michael S. Arif, Esquire
Martin, Arif, Petrovich & Walsh

8001 Braddock Road
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Springfield, VA 22151
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Craig S. Cooley, Esquire
3000 Idlewood Avenue
P. O. Box 7268
Richmond, VA 23221
804-358-2328
804-358-3947(Fax)
VSB No: 16593

CERTIFICATE OF SERVICE

We/I hereby certify that a true copy of the foregoing Motion/Memorandum was mailed,
first class mail to:

Robert F. Horan, Jr., Esquire
Commonwealth's Attorney
4110 Chain Bridge Road
Room 123
Fairfax, VA 22030

and the original was forwarded for filing to:

Hon. John T. Frey
Clerk
Fairfax County Circuit Court
Fairfax County Judicial Center
4110 Chain Bridge Road
Fairfax, VA 22030-4009

and a true copy was forwarded to the

Hon. Jane Marum Roush
Judge
Fairfax County Circuit Court
Fairfax County Judicial Center
4110 Chain Bridge Road
Fairfax, VA 22030-4009

this 28th day of August, 2003.

Co-Counsel

~~Co-Counsel~~

the 29 day of August, 2003
TESTE: WILLIAM M. HART, CLERK 4:00 p.m.
By [Signature] D.C.

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COMMONWEALTH OF VIRGINIA,

v.

CASE NOS: CF03-3089, CR03-3090, CR03-3091
Hon. Jane Marum Roush

LEE BOYD MALVO,

Defendant

**MOTION TO ORDER SOUND ENHANCEMENT
OF UNTRANSCRIBED PORTION OF AUDIOTAPE
OF THE INTERROGATION OF THE DEFENDANT**

COMES NOW the defendant, Lee Malvo, by his co-counsels, and states as follows:

1. The defense was previously supplied by the Commonwealth with five audiotapes of the interrogations of Lee Malvo by law enforcement officers on November 7, 2002. Transcripts of those tapes were also provided.
2. It was suggested that these tapes were copies of originals made of the conclusion of the interrogations. [The first hours were purportedly not taped, though the room was equipped to allow the surreptitious taping of the interrogation.]
3. It was understood that once taping began, the tapes and transcripts contained all remaining interrogations.
4. Because of faint sounds at the conclusion of the fifty tape provided by the Commonwealth, that tape was delivered to an audio sound company, In Your Ear, in Richmond, Virginia to attempt to enhance the portion of the tape which was untranscribed.
5. That enhancement was done, but because of the poor quality of the copy provided, full sentences and phrases can not be made out clearly.

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this 28th day of August, 2003.

Co-Counsel

ck Counsel